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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Toshiaki SHINOHARA

: EXAMINER: NGUYEN, Dilinh P.

SERIAL NO: 09/895,319

:

FILED: July 2, 2001

: GROUP ART UNIT: 2814

FOR: SEMICONDUCTOR DEVICE AND:
METHOD OF MANUFACTURING
SAME

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RESTRICTION RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement mailed February 22, 2002, Applicant elects with traverse the invention of Group I, Claims 1-8, for examination on the merits in the present application.

Applicant respectfully traverses the Restriction Requirement for several reasons.

First, Applicant respectfully traverses the Restriction Requirement because an insufficient basis for distinctness is stated.

In this regard, in item 2 of the Restriction Requirement it is indicated that:

... it would be possible to apply both resins uncured and then cure them.

The Restriction Requirement merely states that the resins can be first applied and then cured and fails to state any step of the proposed method whereby it can be ascertained whether

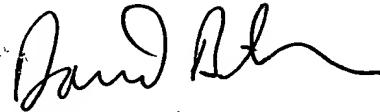
or not the differences are material. As noted in §MPEP 806.05(a), "the burden is on the examiner to provide reasonable examples that recite material differences." It is respectfully submitted that the burden placed upon the Examiner has not been carried.

Second, as noted in MPEP §803, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Since the restricted claims would appear to be part of an overlapping search area, it is respectfully submitted that the burden on the Examiner would be minimal and the burden on Applicant would be significant if Applicant was required to file and prosecute a separate divisional application.

Consequently, Applicant respectfully requests this Restriction Requirement be withdrawn. Accordingly, an examination on the merits of Claims 1-11 is believed to be in order, and an early and favorable action on the merits of these claims is respectfully requested.

Respectfully submitted,

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